



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/579,280	01/25/2007	Anton Oppel	2003P01703WOUS	8244
46726 7590 02/03/2009 BSH HOME APPLIANCES CORPORATION INTELLECTUAL PROPERTY DEPARTMENT 100 BOSCH BOULEVARD NEW BERN, NC 28562				
EXAMINER MERLINO, ALYSON MARIE				
ART UNIT		PAPER NUMBER		
3673				
MAIL DATE		DELIVERY MODE		
02/03/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/579,280

Applicant(s)

OPPEL ET AL.

Examiner

ALYSON M. MERLINO

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-42 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 22-42 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 12 May 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the means for selectively blocking resting on the edge of the closing member, the adjusting lever being detachably fixed in the second position, the electric actuator its associated components, the remote control, the pointed or sharp object, and the limiting strip must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "97" has been used to designate both the actuating element and the removable actuating element, as discussed in Paragraph 74 of the specification. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities:
- a. Throughout the specification, each instance of the word "anticlockwise" should be changed to "counterclockwise."
 - b. In paragraph 56, the number "8" is included in the last line, but is not associated with a component in the drawings. It is apparent that this numeral might have been included in the paragraph in error.
 - c. Paragraphs 59-80 should be renumbered since it is clear that paragraph 58 is part of paragraph 57, and should not be numbered as a separate paragraph.

- d. In paragraph 67, numerals "8" and "25" are within the paragraph and seem to be included in error.
 - e. In paragraph 71, line 2, the phrase "the recess 83" should be "the recess 93."
 - f. In paragraph 73, lines 1 and 2, the phrase "Figs. 8, 9, 25, 10, 11, 12" should be "Figs. 8, 9, 10, 11, 12" since a Figure 25 was not included in the disclosure.
 - g. In paragraph 74, line 7, the phrase "the actuating shaft 98 25" should be "the actuating shaft 98" since it seems as though the numeral "25" was included in error.
- Appropriate correction is required.

Claim Objections

- 4. **Claims 22-25, 27, 29-31, 35, and 36 are objected to** because of the following informalities:
 - a. **In regards to claim 22**, lines 9 and 10, the phrase "selectively blocking" should be changed to "selectively inhibiting" in accordance with the preceding lines of the claim. In regards to the remaining claims, consistent terminology should be used throughout, such as "selectively inhibiting" versus "selectively blocking."
 - b. **In regards to claims 23 and 25**, the phrase "closing lever" should be changed to "closing member" since, as discussed in the 112, second paragraph

rejection of claim 22 below, it is unclear if the closing member is considered as a closing lever, and the terminology should remain consistent throughout the claims.

- c. **In regards to claim 25**, line 3, the phrase "the recess" should be "a recess" in order to alleviate any lack of antecedent basis issues.
- d. **In regards to claims 24, 30, 35, 36**, the first lines of each of the claims should read as follows: "The electric household appliance according to claim _ , further."
- e. **In regards to claim 29 and 30**, the phrase "can be" should be changed to "is capable of being" in order to conform to current US practice.
- f. **In regards to claim 31**, line 2, the phrase "the free end" should be "a free end" in order to alleviate any lack of antecedent basis issues.
- g. **In regards to claim 35**, line 3, the phrase "the gripping shell of the handle" should be "a gripping shell of a handle" in order to alleviate any lack of antecedent basis issues.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. **Claims 22-42 are rejected** under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. **Regarding claim 22**, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).
8. **Regarding claims 24, 26, 32, 38, 40 and 41**, the phrase "for example" or "e.g." or "i.e." renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).
9. **In regards to claim 24**, it is unclear how the locking head is inserted in a recess of the door when it is clear from Figure 2 that the locking head is inserted in a recess of a portion of the closing member. For examination purposes, the claim will be given an "as best understood" interpretation until further clarification from applicant.
10. **In regards to claim 26**, it is unclear how the means for selectively blocking is in the second position after the exertion of forces if the means is still engaging the closing member. For examination purposes, the claim will be given a broad interpretation until further clarification from applicant.
11. **In regards to claim 27**, it is unclear how the release of the spring is prevented, when it is clear that the spring remains within the frame in one position with respect to the frame and is never "released" from the frame. For examination purposes, the claims will be given a broad interpretation until further clarification from applicant.
12. **Regarding claims 26, 30, 31, 34, 36, 40, and 42**, the phrase "preferably" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

13. **In regards to claims 31 and 35**, it is unclear whether the handle recited in the claims is equivalent to the gripping device recited in claim 22. Furthermore, claim 31 recites that the adjusting lever projects "into" the handle. In light of the drawings and specification, it is unclear how the adjusting lever projects "into" the handle, when the drawings and specification do not disclose that adjusting lever engages a handle, only that the adjusting lever projects through the gripping shell into a handle region. For examination purposes, the claims will be given a broad interpretation until further clarification from applicant.

14. **In regards to claims 32, 33, and 36**, it is unclear how the adjusting lever is detachably fixed in the second position with the lever resting with a limiting strip on a flat area and how the locating lug cooperates with the limiting strip since the lever in cooperation with the limiting strip is not described in detail in the specification and is not shown in the drawings. Furthermore, in regards to claims 33 and 36, it is unclear how the pointed object or sharp object is used in accordance with the adjusting lever and the limiting strip, and if the spring recited in claim 33 is equivalent to the closing spring of claim 22. For examination purposes, the claims will be given a broad interpretation until further clarification from applicant.

15. **In regards to claim 39**, it is unclear how the limitation "the pivoted lever" is associated with the remaining limitations of the claim. For examination purposes, the claim will be given a broad interpretation until further clarification from applicant.

16. **In regards to claims 40-42**, it is unclear how the device would utilize an electric actuator with its associated components, such as a button or a remote control.

Specifically, it is unclear since the specification and the drawings do not describe or show how the electric actuator and its associated components are incorporated into the device in order to cooperate with the mechanical components. For examination purposes, the claims will be given a broad interpretation until further clarification from applicant.

Claim Rejections - 35 USC § 102

17. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

18. **Claims 22-25, 28-32, and 34-42 are rejected** under 35 U.S.C. 102(b) as being anticipated by Dirnberger (DE 196 01 228 A1).

19. All citations regarding text are referencing the computer generated translation provided.

20. **In regards to claim 22**, Dirnberger discloses an electric household appliance (Paragraph 1) including a receptacle (apparent from Paragraph 1) for receiving items to be handled by the electric household appliance, a door 86 permitting access to the receptacle, a door lock (Figure 1) for the door, with the door lock having a frame 10 with an opening (apparent from Figures 5 and 6) for a hook 84, a closing member 12, a closing spring 24 disposed between the closing member and a counter-bearing 26 in the frame, a gripping device 92, with the closing member connected to the gripping device (connected by door 86, Paragraph 45), and means 14, 16 for selectively

inhibiting the movement of the closing member (apparent from Figures 1 and 2), with the means for selectively inhibiting the movement of the closing member being selectively positionable between a first position (Figure 2) in which the means for selectively inhibiting the movement of the closing member blocks a respective movement of the closing member (apparent from Figure 2), whereupon the blocked respective movement of the closing member operates as a child safety feature (component 14 is referred to as a safety latch, Paragraph 19) and a second position (Figure 1) in which the means for selectively blocking the movement of the closing member does not block the respective movement of the closing member, whereupon the child safety feature is deactivated (apparent from Figure 2).

21. **In regards to claim 23**, Dimberger discloses that in the first position with the child safety feature activated, the means for selectively blocking is inserted into a recess 32 of the closing member and the movement of the closing member is thereby positively blocked (apparent from Figure 2).

22. **In regards to claim 24 (as best understood)**, Dimberger discloses a locking head (portion of component 14 near the indicator of reference character 31, Figure 1), in the first position of the means for selectively blocking with the child safety feature activated, is inserted in a recess 32 of a portion of the closing member (Figure 2).

23. **In regards to claim 25**, Dimberger discloses that in the second position with the child safety feature deactivated, the means for selectively blocking is located outside a recess 32 of the closing member and thereby the movement of the closing member is not blocked (apparent from Figure 1).

24. **In regards to claim 28**, Dirnberger discloses that the means for selectively blocking is fixed to a pivoted shaft 46 by means of a pivoted lever (portion of component 16 between components 14 and 46, Figure 1) so that the means for selectively blocking can execute a rotary movement between the first position and the second position (rotary movement of component 16 about pivoted shaft 46, apparent from Figures 1 and 2).

25. **In regards to claim 29**, Dirnberger discloses a restoring lever (portion of component 16 between components 46 and 48, Figure 1) connected to the pivoted shaft and a spring 54, whereby a restoring moment is capable of being applied to the pivoted shaft to that the means for selectively blocking is pressed into the first position to activate the child safety feature (apparent from movement shown in Figures 1 and 2).

26. **In regards to claim 30**, Dirnberger discloses a plate (portion of component 80 touching frame 10, Figure 1) made of plastic (Paragraph 31) with a locating lug (end of component 80 positioned near component 14, Figure 1) and a limiting lug (end of plate touching frame 10, Figure 1) is formed on an adjusting lever 80 connected to the pivoted shaft (connected by cooperation with component 14, apparent from Figure 2), wherein, as a result of the thickness of the plate, the plate is capable of being deformed under application of small forces (apparent from Paragraph 31 and Figure 1).

27. **In regards to claim 31**, Dirnberger discloses beginning with a free end (portion above reference character 38, Figure 1), the adjusting lever projects partly over a slot-shaped recess (recess of component 10 surrounding 80, Figure 1) in a gripping shell (portion of 10 near adjusting lever 80, Figure 1) such that a result of a movement of the

adjusting lever, the means for selectively blocking is capable of being moved between the first position and the second position to activate and deactivate the child safety feature (apparent that component 80 is capable of moving the means for blocking component 14 upward to deactivate the safety feature, and when the component 80 is placed in its position in Figure 1, the component 14 is capable of being activated again to create the child safety feature, apparent from Figure 1 and Paragraphs 31 and 49), wherein the direction of the movement of the adjusting lever is lateral (apparent from Figure 1).

28. **In regards to claim 32**, Dirnberger discloses that the adjusting lever is capable of being detachably fixed in the second position of the means for selectively blocking for continuous deactivation of the child safety feature (apparent that a user could move the adjusting lever 80 towards component 12 to move component 14 out of engagement with component 12 and hold the lever in that position for a certain amount of time, i.e. fixing it in a continuous deactivation position, apparent from Figure 1).

29. **In regards to claim 34**, Dirnberger discloses that the means for selectively blocking is arranged on an actuating slider 14 in a slider housing 62, 64 and by means of a translational movement of the actuating slider in the slider housing, the means for selectively blocking is capable of being moved between the first position and the second position and conversely (apparent from Figures 1 and 2).

30. **In regards to claim 35**, Dirnberger discloses an actuating lever 80 is formed on the actuating slider (apparent that end of 80 is on the actuating slider, Figure 2) which projects via a slot (recess of component 10 surrounding 80, Figure 1) in a gripping shell

(portion of 10 near adjusting lever 80, Figure 1) and the actuating slider is capable thereby of being moved from the closing member with the actuating lever between the first and second position, wherein the actuating lever is capable of being pressed into the first position by a spring 54.

31. **In regards to claim 36**, Dimberger discloses a locating lug (end of component 80 positioned near component 14, Figure 1) is formed on the actuating slider (apparent that end is on the actuating slider, Figure 1) which in the second position of the actuating slider engages a recess of the slider housing (apparent opening in portion 64 to receive the locating lug, Figure 1).

32. **In regards to claim 37**, Dimberger discloses that the movement of the means for selectively blocking from the first to the second position and conversely to activate and deactivate the child safety feature (apparent that component 80 is capable of moving the means for blocking component 14 upward to deactivate the safety feature, and when the component 80 is placed in its position in Figure 1, the component 14 is capable of being activated again to create the child safety feature, apparent from Figure 1 and Paragraphs 31 and 49) is adjustable from the top of the door (apparent that components shown in Figure 1 are capable of being located at the top of the door when the door is locked in view of Figure 6).

33. **In regards to claim 38**, Dimberger discloses that the actuating element is a lever (apparent from Figure 1).

34. **In regards to claim 39**, Dimberger discloses that the actuating element is connected to an actuating shaft 78 on which a cam (portion of 80 between shaft 78 and

component 14, Figure 1) is formed and using the cam on the actuating shaft, the means for selectively blocking is capable of being moved from the first position into the second position and conversely (apparent that component 80 is capable of moving the means for blocking component 14 upward to deactivate the safety feature, and when the component 80 is placed in its position in Figure 1, the component 14 is capable of being activated again to create the child safety feature, apparent from Figure 1 and Paragraphs 31 and 49).

35. **In regards to claim 40**, Dirnberger discloses that the movement of the means for selectively blocking from the first to the second position and conversely to activate and deactivate the child safety feature is capable of being executed by an electric actuator 50, 52.

36. **In regards to claim 41**, Dirnberger discloses that the actuator is capable of being controlled using an electronic control using specific control logic (apparent from Paragraph 48).

37. **In regards to claim 42**, Dirnberger discloses that the actuator is capable of being controlled by remote control (apparent that the start button is remotely located with respect to the lock, Paragraph 48).

Claim Rejections - 35 USC § 103

38. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

39. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

40. **Claims 22 and 27 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Nozomu et al. (US-3799596) in view of Dirnberger (DE 196 01 228 A1).

41. **In regards to claim 22**, Nozomu et al. discloses a device including a receptacle (apparent internal compartment of vehicle) for receiving items to be handled by the device, a door 20 permitting access to the receptacle, a door lock (Figure 1) for the door, with the door lock having a frame 10 with an opening 10c for a hook 11, a closing member 13, a closing spring 15 disposed between the closing member and a counter-bearing (apparent pin portion of frame extending through component 12, Figure 1) in the frame, a gripping device 21, 12, with the closing member connected to the gripping device (apparent from Figure 1), and means 19 for selectively inhibiting the movement of the closing member (apparent from Figures 1 and 4), with the means for selectively inhibiting the movement of the closing member being selectively positionable between a first position (Figure 4) in which the means for selectively inhibiting the movement of the closing member blocks a respective movement of the closing member (apparent from

Figure 4), whereupon the blocked respective movement of the closing member operates as a child safety feature and a second position (Figure 1) in which the means for selectively blocking the movement of the closing member does not block the respective movement of the closing member, whereupon the child safety feature is deactivated (apparent from Figure 1). Nozomu et al. fails to disclose that the device is an electric household appliance. Dimberger teaches an electric household appliance (Paragraph 1) having a receptacle (apparent from Paragraph 1) for receiving items to be handled by the electric household appliance, a door 86 permitting access to the receptacle, and a door lock (Figure 1) for the door. Since specifying that the door lock be used with an electric household device would not hinder the ability of the means to selectively inhibit the movement of the closing member, it would have been obvious to one of ordinary skill in the art at the time the invention was made to specify that the lock be used with an appliance in order to enhance the security of the appliance, and since Nozomu et al. discloses a door lock for a receptacle and associated door.

42. **In regards to claim 27**, Nozomu et al. discloses that the closing spring is tensioned in an open position of the door lock (position shown in shadow in Figure 3), the gripping device (portion 12) is pressed against a part of the frame (stop portion of frame between reference characters 19 and 13, Figure 3) by the closing spring at a contact point (point of stop, Figure 3) in the open position of the door lock. Nozomu et al. further discloses that the gripping device has a gripping latch 12 into which the hook is guided on passing through the opening in the frame (apparent from Figure 1) and has a contact surface (inner surface of latch that receives the hook, Figure 1) into which the

incoming hook presses and thereby causing a movement of the gripping device (movement of component 12, Figure 3) and the gripping device is shaped so that it loses contact with the contact point during a movement of the hook (movement of component 12 from the position in shadow to the solid-lined position in Figure 3).

43. **Claim 26 is rejected** under 35 U.S.C. 103(a) as being unpatentable over Dimberger (DE 196 01 228 A1) in view of Devereaux (US-2046612). Dimberger discloses that the means for selectively blocking has a free end (end near indicator of reference character 62, Figure 1 and is capable of being moved in a direction of movement perpendicular to the direction of the movement of the closing member (apparent from Figures 1 and 2) and when forces act on the closing member (forces created by hook trying to be forced out of opening 18 of the closing member, apparent from Figure 6), it is apparent that the means for selectively blocking is capable of being forced into the second position if a strong enough force is exerted to overcome the cooperation of the hook with the closing member. Dimberger fails to disclose that the means for selectively blocking has a conical shape with increasing diameter beginning at the free end of the means. Devereaux teaches a component 14 that has a conical shape (apparent from Figures 3 and 6) with increasing diameter beginning at a free end of the component (apparent from Figures 3 and 6). Since specifying that the means for selectively blocking has a conical shape would not hinder the ability of the means to inhibit the movement of the closing member, it would have been obvious to one of ordinary skill in the art at the time the invention was made to specify that the means to selectively inhibiting the movement of the closing member has a conical shape since it

has been held that a change in the shape of a prior art device is a design consideration within the level of skill of one skilled in the art.

44. **Claim 33 is rejected** under 35 U.S.C. 103(a) as being unpatentable over Dimberger (DE 196 01 228 A1) in view of Buckner (US-5312143). Dimberger discloses wherein, to activate the child safety feature, the locating lug is capable of being raised with respect to the closing member 12, so that the adjusting lever is capable of being moved into the first position (apparent further movement of 80 to the position shown in Figure 2) and for continuous deactivation of the child safety feature, the locating lug is capable of being raised whilst simultaneously activating the adjusting lever (apparent that pressing the adjusting lever towards component 12 raises the locating lug, apparent from Figure 2). Dimberger fails to disclose that the gripping shell includes a small recess for acceptance of a pointed object for moving the locating lug. Buckner teaches a lock (Figure 4) having a locating lug 34 that is capable of being moved between certain positions by a pointed object P through a small recess 58 in a gripping shell 14. Since the inclusion of a small recess in the gripping shell disclosed by Dimberger for cooperation with a pointed object that can move the locating lug, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a small recess for cooperation with a pointed object, so that the pointed object may be inserted to cooperate with the locating lug and move it between its various positions in order to enhance the security of the device by allowing the movement of the locating lug to be actuated by multiple components, specifically, the adjusting lever and the pointed object.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALYSON M. MERLINO whose telephone number is (571)272-2219. The examiner can normally be reached on Monday through Friday, 7:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Engle can be reached on (571) 272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AM
February 1, 2009

/Carlos Lugo/
Primary Examiner, Art Unit 3673